

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

In the Matter of:

Request for Review of the Decision )  
of the Universal Service Administrator by )

) File No. SLD-507445

Richland County School District 1 )  
BEN Number: 127145 )

) CC Docket No: 02-6

)  
Schools and Libraries Universal Service )  
Support Mechanism )

)  
Wireline Competition Bureau )

**REQUEST FOR REVIEW**

**INTRODUCTION**

Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (USAC) may seek review from the Commission.<sup>1</sup> Richland County School District 1 (Richland) hereby appeals the denial by USAC of a Funding Year 2006 funding request.

**BACKGROUND**

As part of a Selective Review done during Funding Year 2005, Richland provided the Schools and Libraries Division (SLD) with copies of the District's Request for Proposal (RFP), bid responses, and score evaluations for all of their funding requests. One of the sets of documents provided was for the RFP Richland released October 10, 2003, for web-based communications.<sup>2</sup> All bid responses were due November 7, 2003, and the

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<sup>1</sup> 47 C.F.R. § 54.719(c).

<sup>2</sup> On the same day, Oct. 10, 2003, Richland also posted Form 470 No. 200420000460509. As far as the District knows, the SLD does not have any issues with the District's bid process. The issue the SLD has is with how the District evaluated the received bid responses.

received bids were evaluated and scored by November 23, 2003. As a result of this competitive bidding process, Richland chose eChalk as their service provider.

On February 6, 2007, Richland received a Funding Request Decision Letter (FCDL) for Application No. 507445. When they received the FCDL, Richland learned that FRN 1394371 was denied for the following reason, “Documentation provided demonstrates that price was not the primary factor in selecting this service provider’s proposal.” This FRN referred back to the selection of eChalk done in 2003.

Richland appealed the decision to USAC on March 23, 2007, and addressed the denial reason given on the FCDL.<sup>3</sup> As part of the appeal, Richland attached the Evaluation Scorecard as given in the RFP. The Scorecard showed the 5 areas to be used in scoring the bid responses along with the weight each section was given. The sections as listed in the RFP along with their given weights are as follows:

- Section 1 – Service (20%)
- Section 2 – Support (20%)
- Section 3 – Training (20%)
- Section 4 – Experience/References (15%)
- Section 5 - Cost (25%)

One week later on March 30, 2007, Richland received the Administrator’s Decision on Appeal.<sup>4</sup> For the first time, Richland was told that the SLD denied the FRN at issue because the District did not consider Sprint when it came time to evaluate the bid responses based on cost. For the following reasons, Richland requests the FCC find the District properly evaluated the bid proposals received.

## **DISCUSSION**

### **Richland complied with FCC guidelines in the selection of eChalk**

Since Richland released and evaluated the bid responses at issue before the *Ysleta Order* was issued in December of 2003, the guidance found in the Commission’s *Tennessee*

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<sup>3</sup> A copy of the March 23, 2007 appeal is attached as Exhibit A.

<sup>4</sup> A copy of the Administrator’s Decision on Appeal is attached as Exhibit B.

*Order* is applicable.<sup>5</sup> The use of the *Tennessee Order* is consistent with the FCC's decision in the *Academia Discipulos de Cristo Order* released by the Commission in 2006.<sup>6</sup> In the *Tennessee Order*, the FCC found that an applicant has complied with FCC competitive bidding requirements if the applicant has taken price into account during the bid selection process and the applicant selects the most cost-effective bid.<sup>7</sup> In determining cost-effectiveness, the applicant may consider factors such as prior experience, personnel qualifications and management capability.<sup>8</sup>

The Evaluation Scorecard used by Richland to score the web-based communications bids clearly indicates price was taken into account. There is nothing in the criteria from the *Tennessee Order* that would require Richland to select the lowest bidder irregardless of the quality of service that bidder could provide. Richland complied with all FCC rules and regulations when they selected what was the most cost-effective bid from eChalk.

### **Sprint was mathematically eliminated**

Richland had no reason to perform the cost evaluation on the Sprint proposal as Sprint was already mathematically eliminated. Per the evaluation process as given in the RFP, all bids received would go through a 3 phase evaluation. First, all bids must meet the mandatory requirements, such as being received on time, having the correct number of copies, all requested sections being present, etc. At this point in the evaluation process, one of the received bids was eliminated. Blackboard Inc. only submitted marketing material and did not send a signed bid response as required.

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<sup>5</sup> See *Request for Review by Ysleta Independent School District of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26406 (2003) (*Ysleta Order*), and *See Request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator, Request for Review by Integrated Systems and Internet Solutions, Inc., of the Decision of the Universal Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 14 FCC Rcd 13734 (1999) (*Tennessee Order*).

<sup>6</sup> See *Request for Review by Academia Discipulos de Cristo, et. al*, File Nos. SLD 358081, 358083, *et. al*, CC Docket No. 02-06, Order, 21 FCC Rcd 9210 (Wireline Comp. Bur. 2006) (*Academia Discipulos de Cristo Order*)

<sup>7</sup> See *Tennessee Order*, 14 FCC Rcd at 13737-39, paras. 7-9.

<sup>8</sup> *Id.* at 13739-40, para. 10. See also 47 C.F.R. §§ 54.504(b)(2)(vii), 54.511(a).

The remaining four bids from eChalk, School Center, Sprint, and Timecruiser Computing Corporation entered Phase II of the evaluation process. For Phase II, an eight member evaluation panel scored the received bids on their technical merit. Per local procurement rules, this panel is only given the technical proposals as submitted by each bidder. The panel is not allowed to see the pricing proposals in order to achieve an unbiased evaluation on the technical merits.

In evaluating the four web-based communications proposals, each bid response received an evaluation score based upon the listed evaluation criteria of service, support, training and experience/references. Once the panel finished scoring the bids on the technical merits, the evaluations were returned to the Procurement Office for cost to be factored into the decision. It was at this point that the Sprint bid response was eliminated. As the attached evaluation sheets from the eight member panel show, even if Sprint received the maximum amount of points possible for pricing, their technical score was so low Sprint could not win the contract.<sup>9</sup> For this reason, the Procurement Office did not evaluate the Sprint cost proposal.

The SLD is denying Richland funding for not evaluating a proposal that could not win. Richland does not see a requirement in the stated FCC guidelines that would require an applicant to continue to evaluate a bid which has no mathematical chance of winning.

Additionally, Richland complied with all local rules regarding the evaluation of competitive sealed bids. Attached as Exhibit D is a memo from the Director of Procurement at Richland. As stated in the memo, "This solicitation was conducted in full accordance with the District Procurement Code. The District used the competitive sealed proposals (RFP) process as the method of source selection. This method is used when it has been determined that factors others than price may be considered. Price was the criterion given the most weight in the scoring."

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<sup>9</sup> See the evaluation scores attached as Exhibit C.

**SLD did not give explanation for denial**

The SLD did not give a complete explanation for denying Richland's funding request until issuing the Decision on Appeal. Without this knowledge, Richland was not able to adequately address the real issue on appeal to USAC. Richland had no knowledge that the SLD was questioning the elimination of the Sprint bid, since the District was never asked by SLD why Sprint was eliminated. If the SLD had asked during the Selective Review or during PIA regarding the elimination of Sprint, the District could have provided the above explanations.<sup>10</sup>

**SUMMARY**

Richland requests the FCC find that the District did properly evaluate the bids received and remand the case back to USAC with orders to fund the FRN at issue due to the fact Richland received and evaluated multiple bids in compliance with FCC, state and local competitive bidding practices.

Sincerely Submitted,



Walter L. "Luke" Fox  
Executive Director, Information Technology  
Richland County School District 1  
1616 Richland Street  
Columbia, SC 29201

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<sup>10</sup> See *Request for Review by Approach Learning and Assessment Center, Santa Ana, CA, et.al.*, File Nos. SLD-140957, et.al., CC Docket No. 02-6, Order, DA 07-1332 (March 23, 2007) which directs USAC to be more specific in their requests during Selective Review and PIA.



April 6, 2007

*via e-mail: [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org)*

Letter of Appeal

Schools and Libraries Division – Correspondence Unit

100 South Jefferson Road

PO Box 902

Whippany, NJ 07981

**LETTER OF APPEAL  
FRN DENIAL**

<b>Applicant:</b>	Richland County School District 1
<b>Entity Number:</b>	127145
<b>Form 471 Application No.:</b>	507445
<b>Funding Year:</b>	2006
<b>FRN Numbers:</b>	1394371

The Richland County School District 1 ("School District"), by its undersigned representative, hereby appeals the FRN denial decision of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company in the above-captioned matter.

**ISSUE FOR CLARIFICATION ON APPEAL:**

- Was the SLD reviewer was correct in determining that, "Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal."

## STATEMENT OF FACTS AND DISCUSSION

As part of a selective review, the School District provided bid documentation to the SLD. One document provided at that time was the bid Evaluation Scorecard to be used for the selection of a service provider. The Evaluation Scorecard is provided again as Exhibit A.

The Scorecard is divided into 5 sections, with each section further broken out into the actual components of that particular section. On page 8 of the Scorecard, each section is listed along with the weight factor that section will receive. The 5 sections and their weights are as follows:

Section 1 – Service (20%)

Section 2 – Support (20%)

Section 3 – Training (20%)

Section 4 – Experience/References (15%)

Section 5 - Cost (25%)

The FCC guidance for bid documentation states that price must be the primary factor.<sup>1</sup> The Commission also gave an example for considering price as the primary factor. “The Commission stated that if, for example, a school assigns 10 points to reputation and 10 points to past experience, the school would be required to assign at least 11 points to price.”<sup>2</sup>

The Evaluation Scorecard clearly indicates price was given the most weight of the five sections. Since price was the primary factor in evaluating the bids received, the School District complied with all FCC rules and regulations.

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<sup>1</sup> See *Request for Review by Ysleta Independent School District of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26406, 26429, para. 50 (2003) (*Ysleta Order*).

<sup>2</sup> *Ysleta* at n.138, as quoted by *Request for Review by Academia Discipulos de Cristo, et. al*, File Nos. SLD 358081, 358083, *et. al*, CC Docket No. 02-06, Order, 21 FCC Rcd 9210 (Wireline Comp. Bur. 2006) (*Academia Discipulos de Cristo Order*), para. 6.

**ADMINISTRATIVE ACTION REQUESTED**

Accordingly, the School District requests that the SLD reverse its decision and fund the FRN at issue.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Walter L. Fox". The signature is stylized with a large "W" and a prominent "F".

Walter L. Fox

Executive Director

Richland County School District One

1616 Richland Street

Columbia, SC 29201



# EVALUATION SCORECARD

RFP NO. 88-04-0340

## WEB-BASED COMMUNICATIONS SYSTEM

EVALUATOR NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

OFFEROR NAME: \_\_\_\_\_

1.0	Service Specifications (Ref. RFP, Section 2.0)	Standard Feature 2 points	Optional Feature 1 point	Not Available 0 points
1.1	Password-protected User Accounts, with secure socket layer (SSL) capability (Ref. RFP, Section 2.1.1)			
1.2	E-mail with remote access for all school members, students, teachers, staff and parents (Ref. RFP, Section 2.1.2), to include: <ul style="list-style-type: none"> <li>• Common format for all school members (e.g. Jane.Doe@domain.com)</li> <li>• Minimum of 5MB of e-mail storage space for each user (expandable)</li> <li>• POP3, IMAP, and WAP compliant</li> <li>• Multiple attachment sending capability</li> <li>• Return receipt, urgent and signature settings</li> <li>• Return receipt, urgent and signature settings</li> <li>• Customizable key word, domain, and attachment filtering, shadowing and blocking</li> <li>• E-mail monitoring by the site manager, parents, and/or teachers</li> <li>• E-mail filtering available</li> <li>• Personal address book that allows for storage of name, address, phone, e-mail, etc.</li> <li>• Ability for administrators and teachers to create distribution lists</li> <li>• Security options to block users from sending/receiving e-mail from outside of the school</li> <li>• Directory of users</li> <li>• Spell check</li> <li>• Virus protection</li> </ul>			
1.3	User Account E-file storage and sharing (Ref. RFP, Section 2.1.3), to include: <ul style="list-style-type: none"> <li>• Minimum of 5MB of file storage space per user (expandable)</li> <li>• Minimum of 25MB file storage for shared files per site (expandable)</li> <li>• File sharing between teachers and their students</li> <li>• File sharing between teachers and administrators</li> </ul>			

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DATE: \_\_\_\_\_

OFFEROR NAME: \_\_\_\_\_

• File sharing between district and schools			
• File storage monitoring by the site manager, parents, and/or teachers			
• Virus protection			
<b>1.4 User Account Bookmark storage and sharing (Ref. RFP, Section 2.1.4), to include:</b>			
• Web addresses stored online and accessible from any computer			
• One-click storage of favorite Web sites (can be used while browsing Web sites)			
• Bookmarks sharing between teachers and students			
<b>1.5 User Account Member Directory requirements (Ref. RFP, Section 2.1.5), to include:</b>			
• Individual search, enabling school/District members to quickly find other members by name, title, grade, position and subjects taught			
• Group search, facilitating the quick sending of communication to groups			
• District-level search, allowing the District to reach, for example, all 8th grade teachers, or all K-4 parents			
<b>1.6 School/District Web Presence (Ref. RFP, Sections 2.2.1), to include:</b>			
• Individual URLs for the district and each of its schools.			
• School/District calendar, viewable to the general public			
• Daily school/District announcement/site message for time-sensitive communications			
• Principal/Superintendent message to inform or rally support			
• School/District name and logo to brand the entity			
• Contact information with location map and directions			
• Multilingual online help features			
• Downloadable "Getting Started" Instructions			
• Current local weather tracker			
• Searchable faculty & staff directory, class & school listing			
• Integrated voice component accessibility			

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EVALUATOR NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

OFFEROR NAME: \_\_\_\_\_

		Standard Feature 2 points	Optional Feature 1 point	Not Available 0 points
1.7	School/District resource pages that are customizable (Ref. RFP, Section 2.2.2), to include:			
	• Shareable District resources			
	• Teacher/Staff Web pages organized by department			
	• School/District Acceptable Use Policy			
	• "Kid-safe" Web search engine			
	• Web publishing tools with clipart available			
	• Curriculum material posting and management for teachers			
1.8	Classroom Web pages (Ref. RFP, Section 2.2.3), to include:			
	• Grade book tool			
	• Attendance tool			
	• Quiz generator tool			
	• Discussion board			
	• Areas for announcements, class calendar, class materials, links to web resources			
	• Document archive			
	• Class maintenance tools			
	• Ability for teacher to add/delete/modify events on the school calendar			
	• Ability for teacher to add/delete/modify daily announcements			
	• Ability for teacher to change passwords for the students			
1.9	Site Management features (Ref. RFP, Section 2.2.4), to include:			
	• 25MB hosting space (expandable) per school/District site for uploaded files			
	• Ability to create new Web pages from templates			
	• Ability to post links to other Web sites of interest to the school community			
	• Ability to add/delete/modify users			
	• Ability to change passwords			

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RFP NO. 88-04-0340

## WEB-BASED COMMUNICATIONS SYSTEM

EVALUATOR NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

OFFEROR NAME: \_\_\_\_\_

• Ability to manage groups of users				
• Ability to suspend user privileges				
• Ability to monitor user's e-mail and file storage accounts				
• Ability to centrally manage multiple schools within the District				
• Ability to add/delete/modify events on the school calendar, daily announcements and/or the site message				
• Ability to "push" down District calendar items, announcements, site messages and resources to the school pages				
• Ability to control and modify the public sections of the schools' sites				
• Integrated reporting capabilities that allow site administrators to track of the number of accounts in use, site hosting & site files in use, and individual user e-mail & file storage usage				
<b>TOTALS SECTION 1.0</b>				
<b>OVERALL SCORE SECTION 1.0</b>				
Meets all Service Specifications as standard features = 5 points				
Meets most (50+) Service Specifications as standard features = 4 points				
Meets some (30-50) Service Specifications as standard features, with some as optional = 3 points				
Meets few (10-30) Service Specifications as standard features, with most as optional = 2 points				
Meets no Service Specifications as standard features, with most as optional = 1 point				

2.0 Support Specifications (Ref. RFP, Section 3.0)	Standard Feature 2 points	Optional Feature 1 point	Not Available 0 points
<b>2.1 Pre-delivery consultation (Ref. RFP, Section 3.1)</b>			
<b>2.2 Setup (Ref. RFP, Section 3.2), to include:</b>			
• Setup and configuration			
• Training of all designated RCSD1 personnel			
• Transfer of applicable data from the RCSD1 student information system (SAS), management information system (MUNIS), and communication system (GroupWise) to the new system			

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RFP NO. 88-04-0340

## WEB-BASED COMMUNICATIONS SYSTEM

EVALUATOR NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

OFFEROR NAME: \_\_\_\_\_

		Conforms 2 Points	Does Not Conform 0 Points
2.3	System Management (Ref. RFP, Section 3.3), to include:		
	• A fully outsourced Web-based communication solution (or if system is to be hosted on-site at Richland One, all setup and maintenance to be performed by the vendor)		
	• A documented high-level of system security and reliability		
	• A highly experienced technical team of software network engineers on call to maintain security, performance, and uptime		
2.4	Schools Interoperability Framework (SIF) (Ref. RFP, Section 3.3.1)		
	• Is vendor or product involved at any level with the SIF initiative?		
	• Is product SIF compliant, having an existing software agent (or a plan for the creation of one)?		
2.5	Security and Reliability (Ref. RFP, Section 3.3.2)		
	• Enterprise servers featuring the highest levels of performance and scalability with expandable bandwidth		
	• Hardware firewall protection with IP filtering		
	• Secure "DMZ" software layer		
	• Secure socket layer capability for transmission of sensitive data		
	• Daily backup of all data, files, and e-mail		
	• Virus protection		
	• Redundant file, mail and database servers		
	• Redundant Internet access		
	• 24/7 system monitoring and support		
	• Protection of data from power outages, fire, and theft		

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OFFEROR NAME: \_\_\_\_\_

2.6 Technical Support (Ref. RFP, Section 3.3.3), to include:	Standard Feature 2 points	Optional Feature 1 point	Not Available 0 points
• Total system maintenance (with 24hr advance notice to District of maintenance)			
• Immediate response (within 24hrs) to critical problems or issues			
• Support package coverage of at least 2 years			
• Timely and automatic upgrades and upgrade information			
• Dedicated support personnel for each school in the District			
• On-site support, when necessary			
• Periodic usage reports generated to gauge use of various features			
• Toll-free telephone support			
• E-mail support			
• On-line help and screen tips			
<b>TOTALS SECTION 2.0</b>			
<b>OVERALL SCORE SECTION 2.0</b>			
Conforms to / meets all Support Specifications as standard features = 5 points			
Conforms to / meets most (25+) Support Specifications as standard features = 4 points			
Conforms to / meets some (15-25) Support Specifications as standard features, with some as optional = 3 points			
Conforms to / meets few (5-15) Support Specifications as standard features, with most as optional = 2 points			
Conforms to or meets no Support Specifications as standard features, with most as optional = 1 point			

# EVALUATION SCORECARD

RFP NO. 88-04-0340

## WEB-BASED COMMUNICATIONS SYSTEM

EVALUATOR NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

OFFEROR NAME: \_\_\_\_\_

3.0 Training Specifications (Ref. RFP Section 4.0)		Conforms 2 points	Does Not Conform 0 points
3.1	Vendor offers a comprehensive, customized training program for the primary users of the system (school and District Webmasters, teachers, and students)		
3.2	Vendor offers reasonable support to the trained individuals in the form of manuals and other materials		
3.3	Training covers all aspects of the system, including system setup, system use, accessing technical support, and all other critical features		
TOTALS SECTION 3.0			
OVERALL SCORE SECTION 3.0			
Conforms to all Training Specifications = 5 points			
Conforms to most Training Specifications = 3 points			
Conforms to few or no Training Specifications = 0 points			

4.0 Experience/References (Ref. RFP Section 7.4.4)		Yes 2 points	No 0 points
4.1	Did company provide names of at least five (5) client references?		
4.2	Did company provide names of more than five (5) client references?		
4.3	Were most of these references E-rate approved?		
4.4	Were all of these references E-rate approved?		
4.5	Was more than one of these from a large public school district (comparable in size to Richland One)?		
TOTALS SECTION 4.0			
OVERALL SCORE SECTION 4.0			
Total for Experience/References is 10 = 5 points			
Total for Experience/References is 8-9 = 4 points			
Total for Experience/References is 5-7 = 3 points			

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RFP NO. 88-04-0340

## WEB-BASED COMMUNICATIONS SYSTEM

EVALUATOR NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

OFFEROR NAME: \_\_\_\_\_

5.0 Cost (Ref: RFP Exhibit B: Pricing Schedule)		0 - 5 Points Max
5.1	Total One-Time cost is ...	
5.2	Total Annual Cost is...	
5.3	Total percent E-rate eligible is...	
5.4	Should Richmond One apply for but not be approved for E-rate in the amount specified, would discounts be provided to match the Company's estimates of E-rate?	
TOTALS SECTION 5.0		
OVERALL SCORE SECTION 5.0		

	TOTAL POINTS	WEIGHTED SCORE
SECTION 1.0 - Service (20%)		(total x .20) =
SECTION 2.0 - Support (20%)		(total x .20) =
SECTION 3.0 - Training (20%)		(total x .20) =
SECTION 4.0 - Experience/References (15%)		(total x .15) =
SECTION 5.0 - Cost (25%)		(total x .25) =
GRAND TOTAL		





**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2006-2007**

March 27, 2007

Walter L. Fox  
Richland County School District One  
1616 Richland Street  
Columbia, SC 29201

Re: Applicant Name: RICHLAND COUNTY SCHOOL DIST 1  
Billed Entity Number: 127145  
Form 471 Application Number: 507445  
Funding Request Number(s): 1394371  
Your Correspondence Dated: April 06, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1394371  
Decision on Appeal: **Denied**  
Explanation:

- During appeal review, it was determined that price was not the primary factor in selecting the service provider. A review of the documentation submitted in response to the Selective Review Information Request indicates that five bids were received for this funding request, but only four were evaluated as one of the bids was deemed to have not met the RFP specs. The remaining four bidders (Echalk, School Center, Sprint and Timecruiser) were evaluated based on the technical aspects of the bids. Those bidders were then reduced to three bidders and a cost evaluation was completed. Sprint was dropped from the cost evaluation based on a low technical proposal result. Of the three bidders remaining, Echalk was the chosen bidder. The fact that Sprint was dropped from the cost evaluation shows that price was not part of the initial evaluation. You

have not provided evidence on appeal that USAC has erred in its original determination. The appeal is denied.

- FCC Rules require that applicants select the most cost-effective products and/or services offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. 47 C.F.R. sec. 54.511(a); Request for Review by Ysleta Independent School District, et. al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45, 97-21, Order, 18 FCC Rcd 26407, 26429, FCC 03-313 para. 50 (rel. Dec. 8, 2003). Ineligible products and services may not be factored into the cost-effective evaluation. See Common Carrier Bureau Reiterates Services Eligible for Discounts to Schools and Libraries, CC Docket No. 96-45, Public Notice, 13 FCC Rcd 16570, DA 98-1110 (rel. Jun. 11, 1998).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

## PROPOSAL EVALUATION RESULTS

RFP NO.: 88-04-0340

PROPOSAL TITLE: WEB-BASED COMMUNICATIONS SYSTEM

DATE: NOVEMBER 23, 2003

## TECHNICAL PROPOSAL EVALUATION

RFP SCORECARD		SECTION 1.0, SERVICE			
		EVALUATOR	ECHALK	SCHOOL CENTER	SPRINT
	1- MW		131.00	136.00	40.00
	2- CS		128.00	130.00	34.00
	3- M-H		128.00	118.00	48.00
	4- DT		129.00	120.00	50.00
	5- JO		128.00	113.00	35.00
	6- BB		127.50	105.00	28.00
	7- JW		131.00	122.50	0.00
	8- cc		130.00	121.00	118.50
TOTAL POINTS:			1032.50	965.50	247.00
AVERAGE SCORE ACHIEVED			129.06	120.69	30.86
MAX. PTS. ACHIEVABLE/AVG. SCORE ACHIEVED		138	0.94	0.87	0.22
WEIGHTED		20.00%	18.70	17.49	4.47
					16.63
RFP SCORECARD		SECTION 2.0, SUPPORT			
		EVALUATOR	ECHALK	SCHOOL CENTER	SPRINT
	1- MW		58.00	54.00	15.00
	2- CS		57.00	26.00	20.00
	3- M-H		58.00	24.00	20.00
	4- DT		58.00	35.00	24.00
	5- JO		56.00	37.00	34.00
	6- BB		56.50	45.00	29.00
	7- JW		57.00	45.00	0.00
	8- cc		58.00	39.00	8.00
TOTAL POINTS:			458.50	305.00	150.00
AVERAGE SCORE ACHIEVED			57.31	47.78	18.75
MAX. PTS. ACHIEVABLE/AVG. SCORE ACHIEVED		58	0.99	0.82	0.32
WEIGHTED		20.00%	19.76	16.48	6.47
					12.41
RFP SCORECARD		SECTION 3.0, TRAINING			
		EVALUATOR	ECHALK	SCHOOL CENTER	SPRINT
	1- MW		6.00	6.00	4.00
	2- CS		4.00	4.00	6.00
	3- M-H		6.00	6.00	2.00
	4- DT		6.00	6.00	2.00
	5- JO		6.00	4.00	3.00
	6- BB		6.00	4.00	5.00
	7- JW		6.00	6.00	3.00
	8- cc		6.00	6.00	6.00
TOTAL POINTS:			48.00	40.00	28.00
AVERAGE SCORE ACHIEVED			5.76	5.00	3.50
MAX. PTS. ACHIEVABLE/AVG. SCORE ACHIEVED		6	0.96	0.83	0.56
WEIGHTED		20.00%	19.17	16.67	11.67
					9.58
RFP SCORECARD		SECTION 4.0, EXPERIENCE/REFERENCES			
		EVALUATOR	ECHALK	SCHOOL CENTER	SPRINT
	1- MW		8.00	8.00	4.00
	2- CS		6.00	2.00	4.00
	3- M-H		6.00	6.00	2.00
	4- DT		6.00	2.00	4.00
	5- JO		7.00	4.00	2.00
	6- BB		8.00	2.00	4.00
	7- JW		8.00	4.00	4.00
	8- cc		8.00	8.00	6.00
TOTAL POINTS:			55.00	30.00	20.00
AVERAGE SCORE ACHIEVED			6.88	3.75	2.50
MAX. PTS. ACHIEVABLE/AVG. SCORE ACHIEVED		10	0.88	0.38	0.25
WEIGHTED		15.00%	10.31	5.63	3.75
					7.13
TOTAL: (WEIGHTED SCORES)		TECHNICAL PROPOSAL RESULTS			
		1	2	4	3
RANK:		67.95	56.26	26.36	45.75

# PROPOSAL EVALUATION RESULTS

RFP NO.: 88-04-0340

PROPOSAL TITLE: WEB-BASED COMMUNICATIONS SYSTEM

DATE: NOVEMBER 23, 2003

COST PROPOSAL RESULTS					
OFFEROR:	N	X		Y	Z
TIMECRUISER	\$491,962.00	\$491,962.00	1.00	25.00	25.00
SCHOOL CENTER	\$491,962.00	\$883,500.00	0.56	25.00	13.92
E-CHALK	\$491,962.00	\$1,442,000.00	0.34	25.00	8.53

WHERE:

N = LOWEST PROPOSAL COST SUBMITTED

X = PROPOSAL COST

Y = MAXIMUM POINTS FOR COST PROPOSAL

Z = POINTS TO AWARD TO PROPOSAL FOR COST PROPOSAL

PROPOSAL RESULTS (COMBINED TECHNICAL AND COST SCORES)				
	E-CHALK	SCHOOL CENTER	TIMECRUISER	
GRAND TOTAL:	76.48	70.18	70.75	
FINAL RANKING	1	3	2	

NOTES:

1. BASED ON SPRINT'S LOW TECHNICAL PROPOSAL RESULT, SPRINT WAS ASSESSED TO BE NON-COMPETITIVE AND THEREFORE NO COST PROPOSAL ANALYSIS WAS COMPLETED.

**MEMORANDUM**

**TO:** Luke Fox  
**FROM:** Robert Hardison  
**DATE:** May 1, 2007  
**SUBJECT:** RFP No. 88-04-0340, Web-based Communications System

Luke,

Re: Your e-mail to Lashonda Outing and me dated 4/2/2007

Provided below are my responses to your questions:

Q1. SLD is citing a violation of FCC Rules requiring us to use cost as the most heavily weighted criteria.

A1: The solicitation was conducted as a Request for Proposal with the evaluation criteria and weighting as follows: See RFP, page 22, Section 8.2.2

- |                          |  |
|--------------------------|--|
| a. Cost                  | 25% (highest weighted criteria was Cost) |
| b. Support               | 20%                                      |
| c. Training              | 20%                                      |
| d. Service               | 20%                                      |
| e. Experience/References | <u>15%</u>                               |
|                          | 100%                                     |

Q2: The SLD states that we received five proposals and dropped one from consideration because it did not meet the specs in the RFP. The remaining four (eChalk, School Center, Sprint, and Timecruiser) were evaluated.

A2: The District received five (5) proposals:

1. Blackboard Inc.  
1899 L Street  
Washington, DC 20036

*Note: Blackboard Inc. was determined to be non-responsive in accordance with the District Procurement Code. Their submittal was only a marketing submittal for information only. They did not sign the solicitation certification statement and did not respond to Amendments issued.*

2. eChalk, LLC  
26 Broadway, Suite 941  
New York, NY 10004
3. School Center  
1050 Reed Station Road  
Carbondale, IL 62901

4. Sprint  
400 Northeast Drive, Suites G & H  
Columbia, SC 29203
5. Timecruiser Computing Corporation  
9 Law Drive, 3<sup>rd</sup> Floor

Q3: They (SLD) stated we dropped Sprint at this time for some un-documented reason BEFORE cost was considered as a criterion. They state this violates FCC Rules.

A3: All five proposals were evaluated by the District Evaluation Panel, which consisted of eight (8) members.

The Blackboard proposal was determined to be non-responsive by the Procurement Manager and was eliminated from further consideration.

The remaining four proposals were evaluated by the District Evaluation Panel.

eChalk received the most points and was the highest ranking offeror based on the results of the Technical Proposal evaluation.

School Center was ranked second.  
Timecruiser was ranked third.  
Sprint was ranked fourth (last).

The Sprint Technical Proposal was fully evaluated and was determined to be technically deficient by the evaluation panel and received the least amount of points and was ranked last. The Sprint proposal would not have been chosen regardless of their offered price.

This solicitation was conducted in full accordance with the District Procurement Code. The District used the competitive sealed proposals (RFP) process as the method of source selection. This method is used when it has been determined that factors others than price may be considered. Price was the criterion given the most weight in the scoring.

This item was approved by our Board of School Commissioner's on 06-22-04

In accordance with the District Procurement Code, an Intent to Award Statement was issued on 06-24-04 and a Purchase Order was issued to eChalk on 07-08-04.

If you should have any questions please contact me directly at 231-7040.

Thanks.